

In re Appln. of Brown et al.
Application No. 09/886,478

Amendments to the Drawings

The drawings stand objected to because Figures 2-4 contain handwritten information on the drawings. The attached sheets of drawings include changes to Figures 2-4. These sheets replace the original sheets showing Figures 2-4. The handwritten notations have been replaced with typed notations. An annotated sheet is attached indicating the revisions. No new matter has been added.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

Remarks

Claims 1-75 are pending. Figures 2-4 of the drawings stand objected to. Claims 1-75 stand rejected under 35 U.S.C. §112, second paragraph. Claims 47-69 stand rejected under 35 U.S.C. §101. Claims 1-9, 11, 15-23, 24-32, 34, 38-51, 53-55, 57-72 and 74-75 stand rejected under 35 U.S.C. §102(e). Applicants respond as follows.

Claims 1-9, 11, 15-23, 24-32, 34, 38-51, 53-55, 57-72 and 74-75 are canceled as indicated above without prejudice to pursuing these claims in a continuation application.

Claims 10, 12, 14, 33, 35, 36, 52, 56 and 73 have been amended into independent form to include the limitations of all claims from which each claim previously depended. These claims are further amended to address the Examiner's rejections under 35 U.S.C. §112, second paragraph. Per the Examiner's suggestion, the claims, as amended, recite performing "authentications" to obtain "authentication results". Claim 35 is also amended to address two typographical errors. Applicants submit that the amendments made per the Examiner's suggestion do not effect the scope of the claims. No new matter has been added.

Claims 52 and 56 are statutory subject matter.

To the extent that the rejection applies to amended claims 52 and 56, Applicants respectfully traverse the Examiner's rejections of claims 47-69 on the basis of 35 U.S.C. §101 as improper. It is well established that when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory. See MPEP §2106(IV)(B)(1). Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. *Id.* Nonfunctional descriptive matter includes such material as music, literary works or a compilation or mere arrangement of data. *Id.* Here, the rejected claims contain descriptive material defining the functions in a computer for determining a level of trust in an authenticated identification. Applicants respectfully submit that claims 52 and 56 represent functional descriptive material that is recorded on a computer-readable medium and, therefore, represent statutory subject matter. Withdrawal of the rejection is requested.



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The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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Date: July 22, 2005

CERTIFICATE OF MAILING

I hereby certify that this **RESPONSE TO OFFICE ACTION OF MARCH 24, 2005** (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date:

July 22, 2005

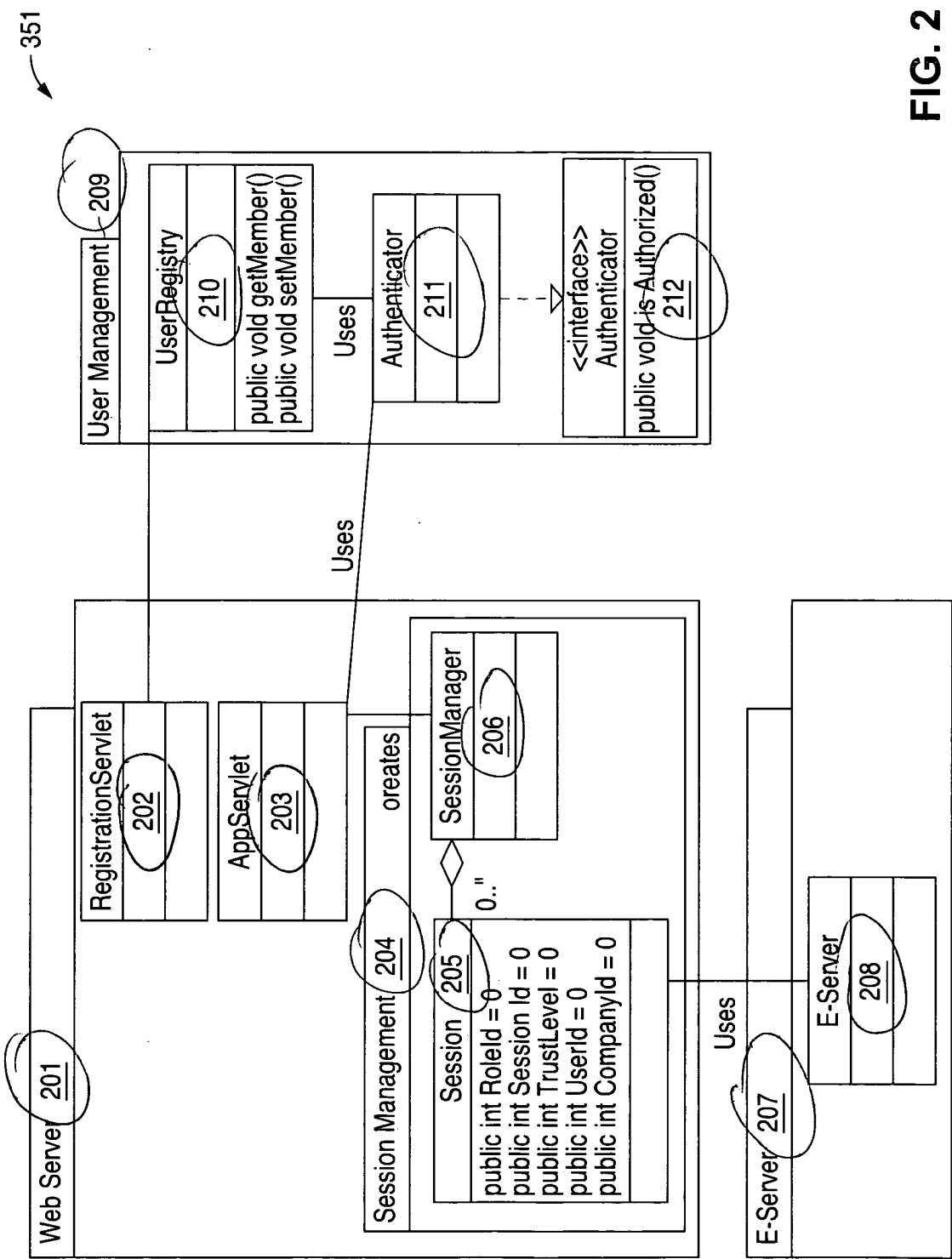


FIG. 2

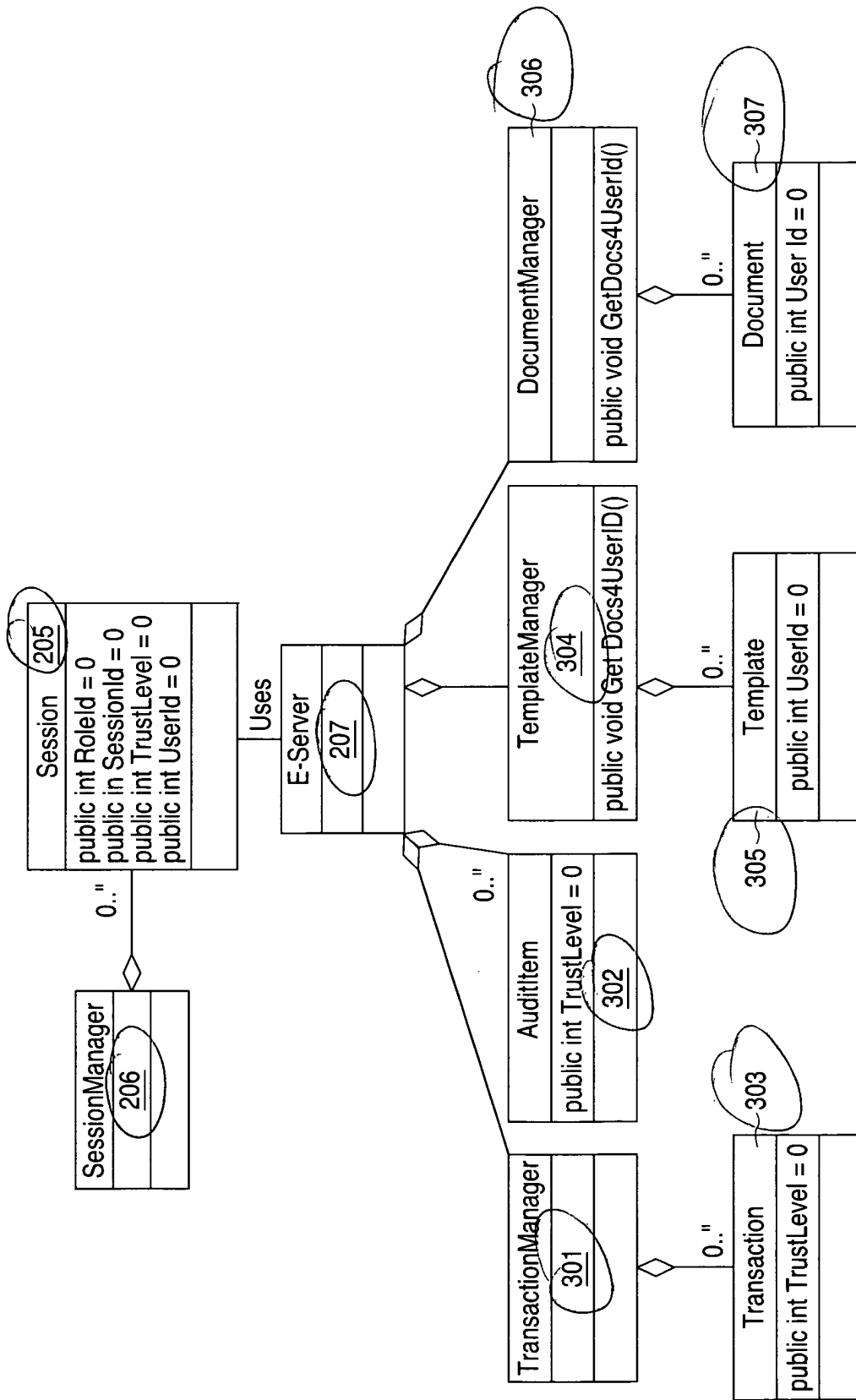


FIG. 3

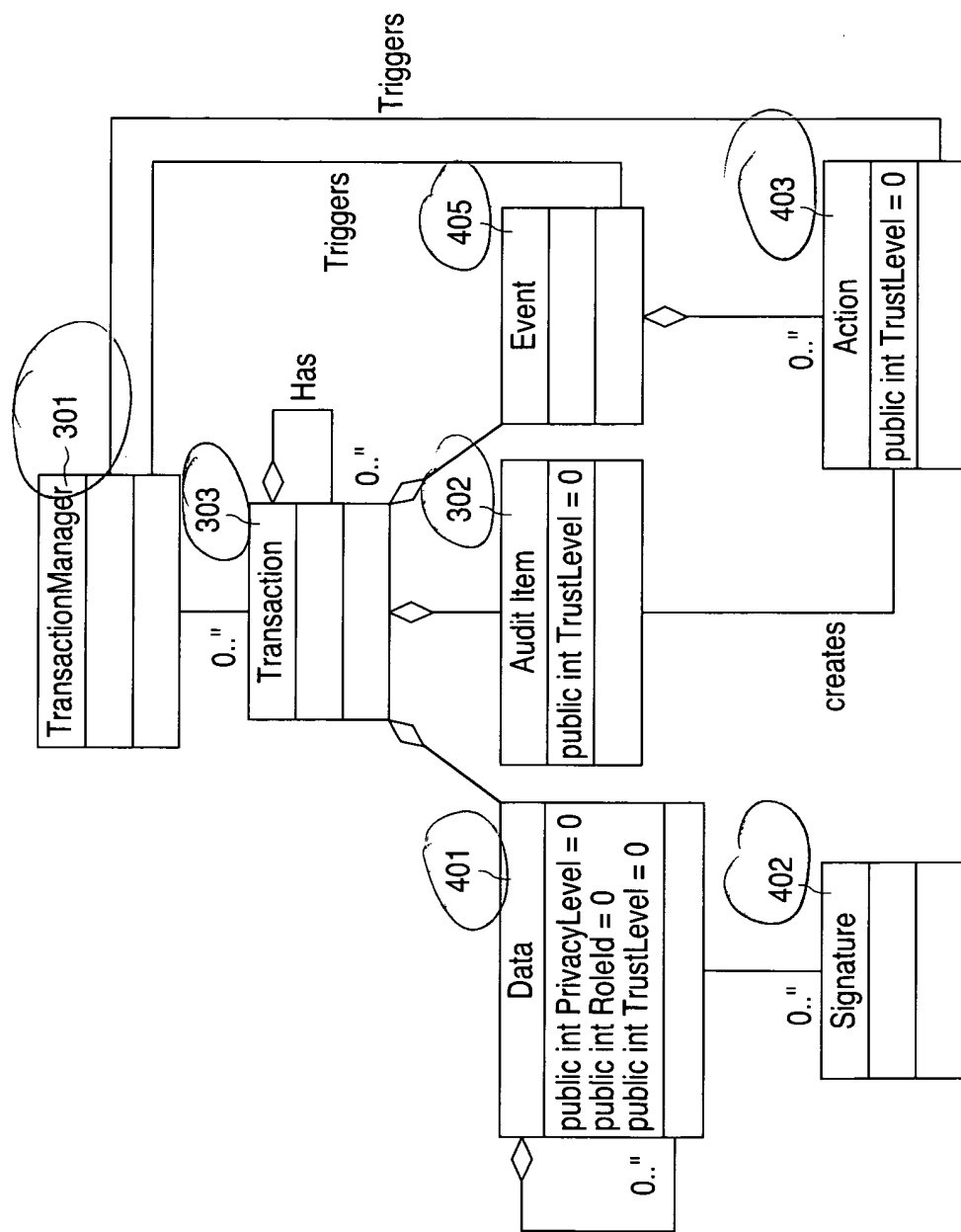


FIG. 4